



State of Wisconsin
Governor Scott Walker

Department of Agriculture, Trade and Consumer Protection

Ben Brancel, Secretary

Date: April 27, 2016
To: Ben Brancel, Secretary *Ben Brancel*
From: John Petty, Administrator *John Petty*
Agrichemical Resource Management (ARM) Division
Lori G. Bowman, Director *Lori G. Bowman*
Agrichemical Management (ACM) Bureau
Re: Recommended dissolution of the Agrichemical Technical Advisory Committee (ATAC)

Recommendation

Given the infrequency of ATAC committee meetings over the last nine years, and the ability and preference of department staff and management to establish *ad hoc* committees with varied expertise, interests, and availability as issues demand, the **ARM Division recommends abolishing the ATAC as a standing committee**. While the ATAC played a critical and historic role in the development of the department's groundwater programs, an infrequently used standing committee is no longer the best approach for the department to obtain input and advice on groundwater issues of concern.

Past experience with atrazine shows that an advisory group such as the ATAC can be an important and integral part of the decision making process on significant policy issues. If the ATAC standing committee is abolished as recommended, the ARM Division will continue to seek and listen to outside experts and stakeholders during policy and program development through custom, limited scope *ad hoc* committees created for specific issues. The *ad hoc* committee approach will allow for more people, with the most appropriate backgrounds, interest and expertise to serve. Our experience is that broad, diverse participation results in better and more accepted regulations and outcomes.

Background

The ATAC is a standing committee of the Department of Agriculture, Trade and Consumer Protection of the (DATCP) consisting of 13 members from the University of Wisconsin, the Department of Natural Resources (DNR), the Department of Health Services (DHS), industry groups and farmers. The membership represents a broad range of expertise and interests in the area of water quality and agricultural chemicals. Annually, staff from the ARM Division propose appointments to the Secretary, who submits the names to the DATCP Board for approval at its May meeting. Each year, one-third of the standing committee members are either replaced or renewed for a 3-year appointment.

DATCP created the ATAC (known then as the *Atrazine Technical Advisory Committee*) in the early 1990s to assist the department in forming policies designed to limit the impacts of atrazine to waters of the state. The ATAC met frequently in the 1990s on topics such as developing the atrazine rule, designing the atrazine rule evaluation survey, developing criteria for rescinding atrazine prohibition areas, changing the application window for atrazine, and designing and interpreting the atrazine reuse study. By the 2000s, activities related to atrazine management were more routine, and the department sought advice from the ATAC less often; it convened just three times between 2001 and 2006.

In 2008, the department broadened the scope of the ATAC to include water quality issues for all agricultural chemicals and changed the name to the *Agrichemical Technical Advisory Committee*. The current charge of the committee is to, "advise DATCP on matters related to the management of agricultural chemicals, including review

Agriculture generates \$88 billion for Wisconsin

2811 Agriculture Drive • PO Box 8911 • Madison, WI 53708-8911 • Wisconsin.gov

An equal opportunity employer

of contamination investigations, interpretation of groundwater and surface water monitoring studies and surveys, proposal of agricultural chemical use restrictions, and evaluation of those restrictions.” The ATAC met in April 2013 to discuss the possible use of isoxaflutole herbicides in Wisconsin; this was the only meeting of the ATAC from 2007 – 2015.

DATCP Policy 105 – Advisory Councils

Policy 105 is the department’s policy on the use of advisory groups. According to Policy 105, a *standing committee* exists indefinitely until it is abolished by the Secretary with Board approval. A standing committee meets periodically, at the call of the department, to address proposed rules and other matters related to the advisory council's area of concern (no further definition of “periodically” is provided). An *ad hoc advisory committee*, by way of contrast, is a temporary advisory council appointed to address a specific issue. The Secretary may appoint an *ad hoc* advisory council without DATCP Board approval, but the Secretary normally informs the Board when creating an *ad hoc* advisory council.

Abolish the ATAC Standing Committee

Because the ATAC is a standing committee that has only been convened once since 2006—and only four times total between 2001 and 2015--the ARM Division examined the purpose and use of the ATAC and considered options to either maintain or disband the committee.

Under this proposal, the Secretary would recommend the ATCP Board abolish the ATAC standing committee. The department will instead convene *ad hoc* committees as needed to address agrichemical-related groundwater issues of concern.

The temporary nature of *ad hoc* committees is more consistent with the way the current standing committee is being used (four meetings in 15 years), in that the ATAC is convened when needed, meets until the issue is addressed and then is disbanded. With long-standing and well-tested policies and rules now in place, the department’s need for outside expertise and advice is generally more of a temporary nature.

Dissolving the ATAC would not mean that the department’s water quality programs no longer receive stakeholder input and expert advice. Staff have built long-standing relationships with farmers, groundwater experts and pesticide registrants and routinely communicate with them on issues of concern. If the state experiences new problems with agrichemicals in groundwater, the department would follow the established models of our atrazine and aldicarb rules to minimize contamination, and also convene an *ad hoc* committee to advise on any technical or policy issues. An *ad hoc* committee can provide the same advice as an ATAC standing committee, but gives the department flexibility to vary the committee size and membership as specific issues demand. For example, while pesticide and commercial fertilizer contamination continue to be significant groundwater contaminants, there are other groundwater issues of concern (i.e. manure, bacteria, quantity) that might be served better by a different mix of members. The *ad hoc* committee approach also clarifies the expected time commitment required.